

Name: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime/Evening Phone: _____ / _____
 Representing: ☐ Self or ☐ Petitioner ☐ Respondent
 State Bar No. (if attorney): _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

 Petitioner

Case No. _____

ATLAS No. _____

 Respondent

CONSENT DECREE OF

☐ **DISSOLUTION OF MARRIAGE (DIVORCE)**

☐ **LEGAL SEPARATION**

☐ with children ☐ without children

THE COURT FINDS:

1. This case has come before this court for a final Decree of Dissolution of Marriage. The court has taken all testimony needed to enter a Decree, or the court has determined testimony is not needed to enter the Decree.
2. This court has jurisdiction over the parties under the law, the provisions of this Decree are fair and reasonable under the circumstances and in the best interests of the minor child(ren) as to custody, parenting time (visitation) and support, and the division of property and debt is fair and equitable.

THE COURT FURTHER FINDS THAT:

3. **90 Day Requirement.** At the time this action was filed, the Petitioner or the Respondent had lived in Arizona for more than 90 days, or had lived in Arizona while a member of the United States Armed Forces for more than 90 days.
4. **Conciliation Court.** The provisions relating to the Conciliation Court either do not apply or have been met.
5. **Irretrievably Broken or Separate and Apart.** The marriage is irretrievably broken or the parties desire to live separate and apart.
6. **Non-Covenant Marriage.** This marriage is not a covenant marriage.
7. **Custody, Support, Spousal Maintenance/Support, Division of Property and Debt.** Where it has the legal power and where it is applicable to the facts of this case, this court has considered, approved, and made orders relating to issues of child custody, parenting time (visitation), child support, spousal maintenance/support (alimony), and the division of property and/or debts.
8. **Protective Orders.** Following is the effect, if any, of this Consent Decree on any existing protective orders: _____
9. **Community Property and Debt.** (Select one.)
☐ The parties did not acquire any community property or debt during the marriage,

OR

- ☐ The parties have agreed to a division of community property and/or debt as evidenced by their signatures on "Exhibit A" attached to and incorporated into this Decree.

9. **Pregnancy. (Select one.)**

- ☐ Wife is not pregnant, OR
☐ Wife is pregnant, and the husband ☐ IS **OR** ☐ IS **NOT** the father of the child.

10. **Spousal Maintenance/Support. (Select one.)**

- ☐ A party is entitled to an award of Spousal Maintenance/Support for the reason that
☐ Petitioner, **OR** ☐ Respondent lacks enough property, including property given to him or her as part of this divorce or legal separation, to provide for his or her reasonable needs, and is unable to support himself or herself through an appropriate job, or he or she is providing the primary care to a child(ren) of young age or is of a condition that they should not be required to look for work outside the home, or lacks earning ability necessary to support himself or herself, or contributed significantly to the educational opportunities of the other spouse, or had a marriage that lasted a long time and is of an age that may severely limit the possibility of getting a job to support himself or herself, OR
- ☐ Neither party is entitled to an award of Spousal Maintenance/Support.

If spousal maintenance is to be awarded, the parties further agree: (Select one.)

- ☐ Spousal maintenance award shall be modifiable in accordance with Arizona law, **OR**
- ☐ The parties acknowledge that the circumstances of their futures are unknown, but each desires that this maintenance award, so awarded by their agreement, not be modifiable in the future for any reason. Therefore, it is at this time ordered that this spousal maintenance award shall NOT be modifiable for any reason.

11. **Parent Information Program.**

- ☐ **DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.**

- a. ☐ Petitioner has attended the Parent Information Program class as evidenced by the "Certificate of Completion" in the court file. **OR**
☐ Petitioner has not attended the Parent Information Program class and ☐ shall be denied any requested relief to enforce or modify the provisions of this decree which address custody or parenting time until Petitioner has completed the class.
- b. ☐ Respondent has attended the Parent Information Program class as evidenced by the "Certificate of Completion" in the court file. **OR**
☐ Respondent has not attended the Parent Information Program class and ☐ shall be denied any requested relief to enforce or modify the provisions of this decree which address custody or parenting time until Respondent has completed the class.

12. **Child Support. (Select any that apply.)**

- ☐ **DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.**

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- ☐ a. Child support has been determined in accordance with the Arizona Child Support Guidelines. **OR**
- ☐ b. Application of the Arizona Child Support Guidelines in this case is inappropriate or unjust. The Court has considered the best interests of the child(ren) in determining that a deviation is appropriate and makes the following findings:

The child support amount before deviation is \$ _____

The child support amount after deviation is: \$ _____

☐ The Court finds the guidelines amount is inappropriate or unjust because:

☐ Attached written agreement incorporated AND

☐ All parties have signed the agreement free of duress and coercion.

☐ Other: _____

- ☐ c. Physical Custody Adjustment, Court Approved Discretionary Parenting Time Adjustment or other Adjustments. (The court must make written findings if any of these adjustments are made.) : _____

- ☐ d. Ability to Pay. The Court finds that the person responsible for paying child support has the ability to pay child support:

☐ In the amount entered on Line 34 of the Worksheet of \$ _____ OR

☐ In an adjusted amount calculated using the self-support reserve on the Parent's Worksheet for Child Support Amount of \$ _____.

13. **Custody of Minor Child(ren). (Select any that apply.)**

☐ **DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.**

- ☐ a. Joint Custody. If joint custody is awarded the court makes the following findings: The custody order or agreement is in the best interests of the child(ren) for the following reasons: (List the reasons.) _____

Domestic Violence.

☐ Domestic violence has not occurred during this marriage, **OR**

☐ Domestic violence has occurred, but the domestic violence has not been significant. Explain why joint custody is in the best interest of the child(ren) even though domestic violence has occurred: _____

- ☐ b. Supervised or No Parenting Time. (Check and complete only if supervised visitation or no visitation is ordered.)

☐ Supervised Parenting Time between the children and ☐ Petitioner **OR**

☐ Respondent, is in the best interests of the child(ren), for the following reasons: (Explain the reasons) OR

☐ No Parenting Time by ☐ Petitioner **OR** ☐ Respondent, is in the best interests of the child(ren), for the following reasons: (Explain the reasons- next page).

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THE COURT ORDERS:

1. LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE ("Divorce").

☐ **THE PARTIES ARE LEGALLY SEPARATED.**

☐ **MARRIAGE IS DISSOLVED:** The marriage of the parties is dissolved and the parties are restored to the legal status of single persons.

NAMES:

☐ The name of the ☐ Wife or ☐ The Husband, whose complete married name is :

--	--	--

Is restored to: (List the complete legal name or maiden name as before the marriage)

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2. ENFORCEMENT OF TEMPORARY ORDERS:

☐ All obligations ordered to be paid by the parties in Temporary Orders dated (fill in dates of ALL temporary orders here) _____

_____ are satisfied in full. **OR**

☐ Judgment is awarded against the party with the obligation up to the amount due and owing as of the date of this Decree, with the highest legal interest allowed by law, for the total amount of \$ _____.

3. CHILD CUSTODY, PARENTING TIME, AND CHILD SUPPORT:

☐ **DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE *and* THE WIFE IS NOT PREGNANT.** (Skip to "4")

a. PREGNANCY:

☐ A child who is common to the parties is expected to be born _____
(DATE)

☐ All orders below as to custody, parenting time, support, and medical insurance/expenses include this child and all other children named below. **OR**

☐ The orders below as to custody, parenting time, support, and medical insurance/expenses do not include this child; the court reserves jurisdiction to address these issues regarding this child when the child is born.

b. CHILDREN: This Decree includes all minor children common to the parties as follows:

NAME(S) OF CHILD(REN)

Date(s) of Birth(s) (Month/Day/Yr)

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c. **CHILD CUSTODY:** (Select one)

(1) ☐ **SOLE CUSTODY:** Sole custody of the minor child(ren) is awarded to:

- ☐ Petitioner, **OR** ☐ Respondent, subject to parenting time as follows:
☐ Parenting Time to the parent not having custody, according to the terms of the Parenting Plan attached as Exhibit B and made a part of this Decree. **OR**,
☐ Supervised parenting time to ☐ Petitioner **OR** ☐ Respondent according to the terms of the Parenting Plan attached as Exhibit B. Parenting Time may only take place in the presence of another person, named below or otherwise approved by the court.
Name of supervisor: _____
Restrictions on parenting time: _____

The cost of supervised visitation will be paid by

- ☐ Petitioner
☐ Respondent
☐ Shared equally by the parties. **OR**
☐ No parenting time rights to [] Petitioner **OR** [] Respondent. **OR**,

(2) ☐ **JOINT CUSTODY:** Petitioner and Respondent agree to act as joint custodians of the child(ren), as set forth in the Joint Custody Agreement/Parenting Plan by the parties, signed by both parties and attached to this Decree as "Exhibit B."

The court adopts the terms of the Joint Custody Agreement/Parenting Plan describing the custody and parenting time agreement between the parties. By attaching the Joint Custody Agreement/Parenting Plan to the Decree, the Agreement becomes part of the Decree and carries the same legal weight as the Decree.

d. **CHILD SUPPORT:** ☐ Petitioner, **OR** ☐ Respondent shall pay child support to the other party in the amount of \$ _____ per month, beginning THE FIRST DAY OF THE MONTH following the date this Decree is signed by the judge until further order of the court. Child Support is based on the information in the Parent's Worksheet for Child Support Amount attached hereto and incorporated by reference. All child support payments shall be made by wage assignment (if applicable) through the Support Payment Clearinghouse, and must include the statutory fee by the Order of Assignment signed this date. Payments will be in equal installments made on the 1st and 15th of each month.

e. **MEDICAL, DENTAL, VISION CARE FOR MINOR CHILDREN**

- ☐ **Petitioner** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.
☐ **Respondent** is responsible for providing: ☐ medical ☐ dental ☐ vision care insurance.

Medical, dental, and vision care insurance, payments and expenses are based on the information in the Parent's Worksheet for Child Support attached and incorporated by reference. The party ordered to pay must keep the other party informed of the insurance company name, address and telephone number, and must give the other party the documents necessary to submit insurance claims.

Non-Covered Expenses. Petitioner is ordered to pay _____ %, AND Respondent is ordered to pay _____ % of all reasonable uncovered and/or uninsured medical, dental, vision care, prescription and other health care charges for the minor child(ren), including co-payments.

4. SPOUSAL MAINTENANCE/SUPPORT:

- a. ☐ Neither party shall pay spousal maintenance/support (alimony) to the other party, OR
- b. ☐ Petitioner **OR** ☐ Respondent is ordered to pay to ☐ Respondent or ☐ Petitioner the sum of \$_____ per month in spousal maintenance/support BEGINNING THE FIRST DAY OF THE MONTH after this Decree is signed. Each payment shall be made by the first day of each month after that and shall continue until ☐ the receiving party is remarried or deceased **OR** ☐ until (date) _____. All payments shall be made through the Support Payment Clearinghouse by wage assignment, until all required payments have been made under this Decree. Payments made shall be included in receiving spouse's taxable income and is tax deductible from the paying

spouse's income as required by law. Spousal maintenance/support payments end if the receiving party is remarried or deceased.

- c. In accordance with the parties' agreements,
- ☐ The spousal maintenance award shall be modifiable in accordance with Arizona law, OR
- ☐ The spousal maintenance award shall NOT be modifiable for any reason.

6. PROPERTY, DEBTS AND TAX RETURNS: (Select any that apply.)

- a. ☐ Petitioner is ordered to pay all debts unknown to Respondent, AND
- ☐ Respondent is ordered to pay all debts unknown to Petitioner, AND
- ☐ Each party is ordered to pay his or her debts from the following date, _____
- b. ☐ Other orders and relief relating to property or debt are contained in Exhibit A, which is attached and incorporated into this Decree.
- c. ☐ Each party is assigned his or her separate property and Petitioner must pay his/her separate debt, and Respondent must pay his/her separate debt.
- d. ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of title ordered in this Decree, such as motor vehicles, houses, and financial institution accounts. The parties shall transfer all real and personal property as described in Exhibit A to the other party on or before _____ by 5:00 p.m.

If the party required to transfer the property has not transferred the property to the party entitled to receive the property on or before the date and time listed above, the party entitled to receive the property is entitled upon application to a Writ of Assistance or Writ of Execution to be issued by the Clerk of the Court commanding the sheriff to put him or her in possession of the property.

- e. ☐ For previous calendar years, pursuant to IRS rules and regulations, the parties will file:
- ☐ joint federal and state income tax returns and hold each other harmless from half of all additional income taxes if any and other costs, and each will share equally in any refunds, OR
- ☐ separate federal and state income tax returns. AND,
- ☐ This calendar year and continuing thereafter, each party will file separate federal and state income tax returns. AND,
- ☐ Each party shall give the other party all necessary documentation to file all tax returns.

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7. **FINANCIAL INFORMATION EXCHANGES:** In cases in which child support or spousal maintenance are ordered, then until such time as those would end under the orders in this Consent Decree, the parties shall exchange financial information (tax returns, spousal affidavits, earning statements and/or other related financial statements) every 24 months.

8. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim (a) child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

☐ **DOES NOT APPLY. THERE ARE NO MINOR CHILDREN IN THIS MARRIAGE.**

Parent entitled to claim	Name of child	Tax year
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent	_____	_____

9. **CHILDREN TO WHOM THIS DECREE DOES NOT APPLY:** It is ordered that ☐ Petitioner, **OR** ☐ Respondent has no legal obligation or right to the child(ren) born during the marriage but not common to the marriage. These children include: (Use additional paper if necessary)

Name: _____ Date of Birth: _____

Name: _____ Date of Birth: _____

Child expected to be born this date: _____

10. **QUALIFIED DOMESTIC RELATIONS ORDER (QDRO).**

- ☐ A QDRO is not necessary;
☐ A QDRO is submitted herewith, OR
☐ A QDRO will be submitted to the court as soon as practicable or not later than _____ (DATE).

The court shall retain jurisdiction over the subject matter of the QDRO.

11. **FINAL APPEALABLE ORDER.** Pursuant to Rule 81, Arizona Rules of Family Law Procedure, this final judgment/decreed is settled, approved and signed by the court and shall be entered by the clerk.

12. **OTHER ORDERS.** (List any other orders.)

Date

Judicial Officer

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IMPORTANT. READ THIS NOTICE. Arizona law (A.R.S. § 25-503(I)) states that, with certain exceptions, an unpaid child support order that became a judgment by operation of law (this means that it became a judgment when it was due and unpaid) expires 3 years after the emancipation of the last remaining un-emancipated child who was included in the court order unless it is reduced to a formal written judgment by the court. The person who is owed child support must apply in writing to the court to obtain a formal written judgment.

APPROVED BY:

Petitioner's Signature

Date

Sworn to or affirmed before me this date:

My Commission expires

Deputy Clerk or Notary Public

If you are filing a Consent Decree, the Respondent must sign:

Respondent's Signature

Date

Sworn to or affirmed before me this date:

My Commission expires

Deputy Clerk or Notary Public

If either party is represented by an attorney, the attorney (ies) must also sign.

Petitioner's Attorney

Date

Respondent's Attorney

Date

EXHIBIT A: PROPERTY AND DEBTS

1a. DIVISION OF COMMUNITY PROPERTY:

☐ The following community property is awarded to each party as follows:

1b. LIST OF COMMUNITY PROPERTY. (Be specific)

AWARDED TO:

Petitioner

Respondent

☐ Household furniture/furnishings

--	--	--	--	--

--	--	--	--	--

□ Appliances

--	--	--	--	--

☐ VCR/DVD

☐ TV

□ □ □ □

□ □ □ □

☐ Personal Computer☐ Stereo

--	--	--	--	--

--	--	--	--	--

☐ State Income Tax☐ Federal Income Tax

 Motor vehicle

☐ Motor vehicle

 Motor vehicle

☐ Cash, bonds of \$

☐ Other:

Other:

Other:

Other:

☐ Award each party the personal property in his or her possession.

☐ Continued on reverse side or see attached list.

1c. **DIVISION OF RETIREMENT, PENSION, DEFERRED COMPENSATION WARNING.** You should see an attorney about your retirement, pension, deferred compensation, § 401k plans and/or benefits. If you do not see an attorney regarding these assets, you risk losing any interest you have in these plans and/or benefits. There are certain documents the plan administrator must have. Only an attorney can help you prepare these documents.

☐ Each party is awarded his or her interest in any retirement benefits, pension plans, or other deferred compensation described as:

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Petitioner's: _____

Respondent's: _____

OR

- ☐ The Plan Administrator and the parties have approved the Qualified Domestic Relations Order (QDRO) attached as Exhibit(s) : Do not check this box without first seeking the help of an attorney.

OR

- ☐ Each party WAIVES AND GIVES UP his or her interest in any retirement benefits, pension plan, or other deferred compensation of the other party:

☐ Signature of Petitioner: _____

☐ Signature of Respondent: _____

OR

- ☐ Neither party has a retirement, pension, deferred compensation, § 401K Plan and/or benefits.

OR

- ☐ Other: _____

- 1d. DIVISION OF REAL PROPERTY. Section A is for one piece of property. Section B is for another piece of property. If you own more than 2 pieces of property, check the box below and attach another sheet of paper with the information requested in A and B.

- ☐ More than 2 pieces of property are involved. See attached sheet listing the same information as in A and B.

- A. Real property located at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property. If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

☐ Awarded to ☐ Petitioner ☐ Respondent as his or her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

- ☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and financial institution accounts.

☐ _____ is appointed real estate commissioner to sell this real property.

- B. Real property at (address) _____ which is legally described as: (You must provide the legal description. The legal description can be found on the deed to the property.

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(If you do not provide the legal description, you may have to come back to court to amend the Decree to include the legal description.)

LEGAL DESCRIPTION: _____

The real property as described above is:

☐ Awarded to ☐ Petitioner ☐ Respondent as his or her sole and separate property.

OR

☐ Shall be sold and the proceeds divided as follows:

_____ % or \$ _____ to Petitioner.

_____ % or \$ _____ to Respondent.

☐ This Decree can be used as a transfer of title and can be recorded. Parties shall sign all documents necessary to complete all transfer of titles ordered in this Decree, such as motor vehicles, houses, and financial institution accounts.

☐ _____ is appointed real estate commissioner to sell this real property.

1e. DIVISION OF COMMUNITY DEBTS. ☐ The following community debts shall be divided as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

☐ **Continued on reverse side or attached list.**

☐ Any debts or obligations incurred by either party before the Respondent was served with the Petition for Dissolution or Legal Separation that are not identified in the list above or attached shall be paid by the party who incurred the debt or obligation and that party shall indemnify and hold the other party harmless from such debts.

2a. SEPARATE PROPERTY. The following separate property is awarded as follows: (Be specific)

Description of Property. (Be specific)	Confirm to Petitioner	Confirm to Respondent

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2b. SEPARATE DEBT. The parties are each ordered to pay his or her separate debt as follows:

Creditor	Amount To Be Paid By Wife	Amount To Be Paid By Husband	Total Amount
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$
	\$	\$	\$

By signing this Exhibit and subscribing and swearing to same (or affirming to same) before a Deputy Clerk of Court or a Notary Public, both parties affirm that the information is true and correct, including the following:

1. NON-COVENANT MARRIAGE. We do not have a covenant marriage.
2. RIGHT TO TRIAL IS WAIVED. I understand that by signing this Consent Decree, I am waiving my right to a trial before a judge.
3. NO DURESS OR COERCION. COMPLETE AGREEMENT. I am not under any force, threats, duress, coercion, or undue influence from anyone, including the other party, to sign this Consent Decree. This Decree with attachments, if any, that I have signed is our full agreement. I have not agreed to something different from what is stated in writing in the Decree.
4. LEGAL ADVICE. I understand that even if I am representing myself without an attorney, I have the right to be represented by an attorney. I have the right to call an attorney and get legal advice before I sign this Consent Decree.
5. IRRETRIEVABLY BROKEN MARRIAGE. I agree that our marriage is irretrievably broken. There is no reasonable prospect of reconciliation *[or we desire to live separate and apart if this is a Legal Separation case]*.
6. DIVISION OF PROPERTY. The agreement about division of property and debts is fair and equitable.

OATH OR AFFIRMATION (and SIGNATURES)

By signing below, in the presence of a Deputy Clerk of Court or Notary Public, I swear or affirm that everything in this document is true and correct to the best of my knowledge, information and belief.

Petitioner's Signature

Date

Sworn to or affirmed before me this date:

My Commission expires

Deputy Clerk or Notary Public

Respondent's Signature

Date

Sworn to or affirmed before me this date:

Case No. _____

My Commission expires

Deputy Clerk or Notary Public

If either party is represented by an attorney, the attorney(s) must also sign.

Petitioner's Attorney

Date

Respondent's Attorney

Date

If the child support division of the Attorney General's office is involved in this case, a representative of the Attorney General must approve the child support amount and sign below:

The approval of the Attorney General's office of the amount of child support amount is indicated by my signature below:

Signature of Attorney General's representative

Date